

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)

VS. *Dana L. Haynes Jr.*)

CR. NO. 3:07CR240-TFM

WAIVER OF CONFLICT OF INTEREST

The United States Constitution gives every criminal defendant the right to effective assistance of counsel. When one lawyer represents two or more defendants in a conspiracy case, the lawyer may have trouble representing all of the defendants with the same fairness. This is a conflict of interest that denies the defendant the right to effective assistance of counsel. In conspiracy cases such conflicts are always a potential problem because different defendants may have different degrees of involvement. Each defendant has the right to a lawyer who represents him and only him.

This kind of conflict of interest can be dangerous to a defendant in a number of ways. A few examples are: the Government may offer to recommend a lesser sentence to one defendant if he cooperates with the Government. His lawyer ought to advise him on whether or not to accept his offer. But if the lawyer advises him to accept the offer, it may harm the cases of the other defendants, who are also his clients.

The Government might let a defendant who is not as involved as other defendants plead guilty to lesser charges than the other defendants. After the guilty plea, however, the Government may require the defendant to testify. The lawyer who represents more than one defendant might recommend that the first defendant not plead guilty to protect the other defendants that he represents; or the lawyer might recommend that the first defendant plead guilty, which might harm the cases of the other defendants.

Sometimes one of the defendants represented by a lawyer will take the stand to testify in his own behalf. In order to represent the other defendants fairly the lawyer should question the defendant on the stand as completely as

DATE _____